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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TAYLOR, BARRY W

ART UNIT PAPER NUMBER

2643

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,908

Applicant(s)

SANO, MOTONORI

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 and 18-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Balaz (6,427,008) in view of Fitser et al (5,631,904 hereinafter Fitser).

Regarding claims 1, 11 and 13. Balaz teaches a method of providing an additional service (see additional service is teleconference in title and abstract, col. 6, col. 7 lines 30-37 and col. 8 lines 12-17) to a user of a communication company's communication service, the method comprising providing an additional service (i.e. teleconference service) to the user who receives a call through the communication service of the communication company, in accordance with a communication time (see col. 6, col. 7 lines 30-37 and col. 8 lines 12-17 wherein reduce rate given to participants of teleconference and teleconference charges are based on length of time for participants not having same specified origin). In other words, Balaz teaches teleconference (i.e. additional service) provided in accordance with communication time

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and the amount of communication. See column 6 wherein call duration (i.e. amount of communication) is multiplied by reduced rate and columns 7-8 reveal that if participants not qualified for reduced rate are charged based on length of time (see length of time col. 7 line 36 and col. 8 lines 14-15).

According to Applicant's newly amended independent claim language, Balaz fails to teach that the calling party pays for teleconferences.

Fitser teaches various arrangements for billing teleconference calls (abstract and column 6). Fitser discloses that one option is to have the person setting up the teleconference (i.e. the calling party) pay for the call (col. 6 lines 46-52).

Therefore, it would have been obvious to any one of ordinary skill in the art at the time of invention to modify the invention as taught by Balaz to use informing means as taught by Fitser for the benefit of notifying participants that teleconference is about to begin and that the calling party is paying for the teleconference thereby eliminating any premature termination by called participants as disclosed by Fitser (col. 6 lines 53-56).

Regarding claims 2, 14, 18 and 22. Balaz teaches participants of teleconference receive reduced rate (see reduced rate abstract, see reduced rate 62 and 66 figure 2, see reduced rate S408 and S410 figure 4, see reduced rate col. 2 lines 1-38, see column 6 wherein call duration is multiplied by per unit time charge (i.e. reduced rate) and if participants do not qualified for reduced rate then multiply call duration by regular

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rate, columns 7-8). Balaz also discloses that charges for teleconference may be reduced to nil (col. 6 line 36).

Regarding claims 3 and 19. Balaz teaches teleconference (i.e. additional service) provided in accordance with communication time and the amount of communication. See column 6 wherein call duration (i.e. amount of communication) is multiplied by reduced rate and columns 7-8 reveal that if participants not qualified for reduced rate are charged based on length of time (see length of time col. 7 line 36 and col. 8 lines 14-15).

Regarding claim 4. Balaz teaches the communication company provides the additional service (i.e. teleconference) in accordance with the length of time (see length of time col. 7 line 36 and col. 8 lines 14-15).

Regarding claim 5. Balaz teaches wherein communication company provides the additional service (i.e. teleconference) in accordance with a communication time for which a calling party uses the communication services of the communication company (see column 6 wherein reduced rate given to subscribers qualified for reduced rate) and a communication time for which the calling party does not use the communication services of the communication company (see columns 6-8 wherein participants not using the communication service are charged at regular rate based on length of time).

Regarding claim 6. Balaz teaches wherein communication company provides the additional service (i.e. teleconference) in accordance with a communication time for which a calling party uses the communication services of the communication company (see column 6 wherein reduced rate given to subscribers qualified for reduced rate) and

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a communication time not related to the communication company used by the calling party (see abstract and columns 6-8 wherein service provider uses higher rate for certain participants not associated with the service providers special service).

Regarding claims 7 and 12. Balaz teaches a method of providing an additional service (see additional service is teleconference in title and abstract, col. 6, col. 7 lines 30-37 and col. 8 lines 12-17) to a user of a communication company's communication service, the method comprising providing an additional service (i.e. teleconference service) to the user who receives a call through the communication service of the communication company, in accordance with amount of communication (see column 6 wherein call duration (i.e. amount of communication) is multiplied by per unit time charge (i.e. reduced rate) and if participants do not qualified for reduced rate then multiply call duration (i.e. amount of communication) by regular rate, columns 7-8). In other words, Balaz teaches teleconference (i.e. additional service) provided in accordance with communication time and the amount of communication. See column 6 wherein call duration (i.e. amount of communication) is multiplied by reduced rate and columns 7-8 reveal that if participants not qualified for reduced rate are charged based on length of time (see length of time col. 7 line 36 and col. 8 lines 14-15).

Regarding claim 8. Balaz teaches additional service is reduced rate (i.e. discount), the discount calculated in accordance with amount of communication (see column 6 wherein the amount of communication is multiplied by reduced rate).

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Regarding claims 9-10. Balaz does not elaborate on informing or sending participants of teleconference a notification or informing signal.

However, it is well known in the art of teleconferencing to inform or send participants notice of teleconference. If not, Fitser was found on the Balaz patent and discloses causing voice-processing equipment to generate and deliver a message to the called participants indicating that the subscriber will pay for the call (col. 6 lines 46-56). Fitser conversely shows using voice processing equipment when each participant is expected to pay a share of the cost to inform the participant of this fact and give participants an opportunity to accept or deny the charges (col. 6 lines 56-65).

Therefore, it would have been obvious to any one of ordinary skill in the art at the time of invention to modify the invention as taught by Balaz to use informing means as taught by Fitser for the benefit of notifying participants that teleconference is about to begin and if participants are not subscribers to reduced rate as taught by Balaz then notify participants that they will be charged for joining the teleconference.

Regarding claims 20-21. Balaz teaches teleconference (i.e. additional service) provided in accordance with communication time and the amount of communication. See column 6 wherein call duration (i.e. amount of communication) is multiplied by reduced rate and columns 7-8 reveal that if participants not qualified for reduced rate are charged based on length of time (see length of time col. 7 line 36 and col. 8 lines 14-15).

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3. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balaz (6,427,008) in view of Fitser et al (5,631,904 hereinafter Fitser) further in view of McFarland et al (5,408,526 hereinafter McFarland) also cited on the Balaz patent.

Regarding claims 15-16. Balaz in view of Fitser do not show first switch serving called party owned by first company, second switch serving calling party and owned by second company and a third switch providing at least one additional service. In other words, Balaz in view of Fitser do not show least cost routing for teleconference.

McFarland teaches least cost routing for teleconference (abstract, columns 1-2, col. 9 lines 48-51).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the invention as taught by Balaz in view of Fitser to use least cost route as taught by McFarland for the benefit of taking into account the paths/routes at desired times for conference, available bandwidth and quality of service for the conference enabling for the most cost effective means to be selected when initiating the teleconference.

Regarding claim 17. Balaz provides predetermined number to be used whereby the subscriber calls the predetermined number to access the setting up of teleconference (col. 4).

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4. Claims 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balaz (6,427,008) in view of Fitser et al (5,631,904 hereinafter Fitser) further in view of Rosenthal et al (5,953,400 hereinafter Rosenthal).

Regarding claims 23, 25, 27, 29 and 31. Balaz in view of Fitser fail to show using radio line of one of a plurality of communication companies.

Rosenthal teaches both wire-line (see item 110 figure 5) and cellular switch (see item 152 figure 5) used for communication line whereby Voice Response Unit used to connect callers (col. 3 line 49 – col. 6 line 27) providing for services such as group conferencing, extension pick-up, call forwarding).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Balaz in view of Fitser to use the VRU as taught by Rosenthal for the benefit of offering group conferencing to cellular users.

Regarding claims 24, 26, 28, 30 and 32. Balaz in view of Fitser fail to show different communication company providing the services.

Rosenthal teaches both wire-line (see item 110 figure 5) and cellular switch (see item 152 figure 5) used for communication line whereby Voice Response Unit used to connect callers (col. 3 line 49 – col. 6 line 27) providing for services such as group conferencing, extension pick-up, call forwarding).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Balaz in view of Fitser to use the VRU as taught by Rosenthal for the benefit of offering group conferencing to cellular users.

5. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Balaz (6,427,008) in view of Fitser et al (5,631,904 hereinafter Fitser) and McFarland et al (5,408,526 hereinafter McFarland) further in view of Rosenthal et al (5,953,400 hereinafter Rosenthal).

Regarding claim 33. Balaz in view of Fitser and McFarland fail to show using radio line of one of a plurality of communication companies.

Rosenthal teaches both wire-line (see item 110 figure 5) and cellular switch (see item 152 figure 5) used for communication line whereby Voice Response Unit used to connect callers (col. 3 line 49 – col. 6 line 27) providing for services such as group conferencing, extension pick-up, call forwarding).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Balaz in view of Fitser to use the VRU as taught by Rosenthal for the benefit of offering group conferencing to cellular users.

Response to Arguments

6. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read "Barry W. Taylor", with a long, sweeping horizontal stroke extending to the right.

Barry W. Taylor
Patent Examiner
Technology Center 2600
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